

Certification of Mailing or Facsimile Transmission
I hereby certify that I have reasonable basis to expect that, on the date shown below, this correspondence is being mailed or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Name: Bryan T. Lorenz Registration No. (if applicable): 55,668
Signature: [Signature]
Date: 6-20-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/726, 309
Applicant(s) : David A. Dalton et al.
Filed : December 2, 2003
Title : A CONTAINER, METHOD AND APPARATUS
TO PROVIDE FRESHER PACKED COFFEE
TC/A.U. : 1761
Examiner : Maureen C. Donovan
Conf. No. : 3111
Docket No. : 9454
Customer No. : 27752

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, The Procter & Gamble Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 10/155338, filed on May 24, 2002, and claiming priority back to Provisional Application No. 60/295,666 filed on June 4, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patent granted on the

06/24/2005 WASFAW1 00000012 162480 10726309

01 FC:1814 130.00 DA

said pending application, as the term of any patent granted on said application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending application, in the event that any such patent granted on the pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

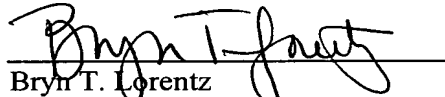
The undersigned is an attorney or agent of record.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of \$130.00 for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By



Bryn T. Lorentz

Registration No. 55,668
(513) 634-2084

June 21, 2005